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## CHAPTER II

### ANGLO-SPANISH RELATIONS IN AMERICA

The relations of the English and Spanish crowns in the years following the conclusion of peace in 1763 centered largely round the new conditions created in America by the transfer of territory and the interpretation of privileges conferred by the terms of the treaty. The major operations called for by the instrument of peace were not those which provided the most serious difficulties. Thus West Florida was exchanged for Havana with little friction, but the settlement of the respective rights under the treaty of the two nations in Central America brought the courts well in sight of a new break. The future sovereignty of the Mosquito Coast became the first item in the controversy.

The part of Central America known as Mosquitia or the Mosquito Coast<sup>41</sup> was not mentioned by name in the Treaty of Paris, but through the ambiguous wording of Article 17 became involved when the execution of the instrument was undertaken. In 1763, the country was inhabited by some ten thousand persons of whom eight thousand were native Indians and the remainder two thousand English settlers and their slaves. This strip of the Caribbean seacoast had been in the possession of the Mosquito Indians ever since it had been known to Europeans. Repeated endeavors of Spain to incorporate it in the surrounding Spanish American system had been successfully resisted, largely through the assistance of the English with whom the connection of the Indians had been close since the early days of the seven-

<sup>41</sup> Robert Hodgson, Superintendent on the Shore, in a paper dated Oct. 12, 1766, and entitled "A View of Mosquito Shore" described the country as "situated on Tierra firma of America about 100 league S. W. of Jamaica. Cape Gracias a Dios in the fifteenth degree of N. latitude is about in the centre of its seacoast which reaches from Cape Honduras to the northernmost branch of the Desaguadero, about eighty leagues. Between this seacoast and the distant almost impassable mountains which bound the Spanish territory behind lies as fine a tract of land as any in the world. . . . " C O 123 I.

teenth century. At that time English freebooters had found the Mosquito harbors a convenience in their operations against the Spanish, and the natives had discovered in these Europeans resourceful allies in their struggle against the same enemy.<sup>42</sup> In the twenty years immediately preceding the Treaty of Paris this relationship had become closer and assumed a more official character. In 1744, when England was in open hostility with Spain, the governor of Jamaica had received orders to despatch a detachment of soldiers to the Shore. A few years later a blockhouse had been erected at Black River and, in 1749, these steps had been followed by the appointment of the first English superintendent,<sup>43</sup> at a salary of five hundred pounds a year, with instructions "to regulate and superintend the Settlement on the Mosquito Shore . . . and regularly to inform the governor of Jamaica now and for the time being of your proceedings and follow the instructions he shall think proper to give you, for the good of this particular service". Under this arrangement<sup>44</sup>

<sup>42</sup> C O 123, I. "An Account of the Musketoe Shore", by Joseph Smith Speers, Lieutenant in H. M. 49th Regiment, and the Captain of a force at Black River on the Shore, 1760. "These brave Indians have maintained their freedom against the Spaniards from the first attempt and conquest of Mexico to this time. . . . The first knowledge and footing the English seem to have had of this part of the coast began on taking possession of the logwood trade in the Bay of Honduras in the reign of Henry VIII, at which time and ever since these Indians have maintained an inviolable friendship and attachment to the English despising all other people and in all wars with Spain this has been an asylum and safe retreat for the Baymen."

"In the reign of Charles II one of the Musketoe kings was prevailed with to come to England and then gave a patent to the king of a free possession of the Musketoe Coast and the Indians have . . . encouraged the English to settle there ever since, and have continually called on the English officers to decide their disputes and for many years have accepted of commissions from the governor of Jamaica or the commanding officer . . . on the Shore; by which means they have marshalled under King, General, Admiral, Colonels, Captains, etc., and by a policy practised some years past have been kept from attacking the Spaniards in the times the English were at peace by annual presents allowed in the contingent account of the Shore. . . ."

<sup>43</sup> C O 123 II. "Memorial of the Principal Inhabitants of the Mosquitoe Shore," 26 January, 1779. The earliest form of regulation appears to have been that of a civil police consisting of justices of the peace and quarter sessions instituted by the governor of Jamaica.

<sup>44</sup> C O 123, I. "At the Court at Kensington the 19th day of July, 1744. Present the King's most excellent Majesty in Council . . . it is hereby ordered

the country enjoyed for a number of years unusual peace and prosperity. These happy conditions came to a close in 1763 when the question arose of applying Article 17 of the Treaty of Paris to the Mosquito shore. This clause stipulated that Great Britain "shall cause to be demolished the fortifications which her subjects shall have erected in the Bay of Honduras and in other places of the territory of Spain in that part of the world".

The *Rose* ship of war arrived at the Shore from Jamaica in September, 1763, bearing a letter from Governor Lyttleton to Robert Hodgson,<sup>46</sup> the officer in command of the British troops in Mosquitia, enclosing the warrant for executing Article 17 and commanding him to despatch immediately all British soldiers, guns, and stores to Jamaica and demolish all fortifications

that Edward Trelawny, Esq., H. M. Governor of Jamaica and Colonel of the regiment there do cause a detachment to be sent from the said regiment to the Mosquito Shore consisting of one company or otherwise as he shall judge the necessity of the service to require, and H. M. doth hereby authorize and empower the governor of the said island for the time being to lay out small sums as shall be requisite for the service above mentioned, taking care that no more be expended therein than what should be absolutely necessary and not exceeding the sums contained in the above report."

The sums mentioned in the report are: 300 pounds per annum for presents to the Indians; 500 pounds per annum for "such contingencies as the nature of such a service must require; 1330 pounds "on account of several necessities which were thought proper by Governor Trelawny to be provided for upon the first establishing and quartering the independent company on the Mosquito shore".

The troops appear to have been withdrawn in 1751, but had been returned by 1756. C O 123, I, Governor Trelawny to the Lords of Trade, 17 July, 1751, and C O 123, II, "Memorial of the Principal Inhabitants of the Mosquito Shore", 26 January, 1779.

C O 123, I. "The Mosquito settlement", says Trelawny, "ever since we have had Jamaica has been under the care of the governor and looked upon as a Dependence of this Island, the King of the Indians receiving a commission for being so from the Governor of Jamaica, which I know, because it has fallen to my lot, unworthy as I am, to commission a King."

<sup>46</sup> The first superintendent was Captain Hodgson. He was succeeded by Captain Otway, who, in 1768, was superseded by Mr. Robert Hodgson, son of the first superintendent. He held office until August 1775, when he was recalled, on petition of the inhabitants, to England. On 29 December, 1775, John Ferguson was commissioned by the Governor of Jamaica to act as superintendent of the Shore, and he arrived on 11 January, 1776, and proceeded to set up a new government, consisting of an elected council of twelve, a court of common pleas, and a Board of Justices of the Peace, after which "universal content reigned". C O 123, II.

erected by the British on the Shore. It was evident from these orders that Governor Lyttleton regarded Mosquitia as comprehended in "other places of the territory of Spain in that part of the world". The inhabitants and officials being of quite another mind, the ship of war and the accompanying transport were within a week sent back to Jamaica empty of soldiers or military stores but bearing a letter to the governor. This document pointed out that Mosquitia was not, and never had been, Spanish territory, but on the contrary, was considered a British possession, and that it was thought on the Shore that this order had been issued under a misapprehension. In reply came nothing more comforting than a peremptory command to despatch the troops and stores at once in the transport which was returned. In February, 1764, in obedience to a second order, the block-house was dismantled and the soldiers returned to Jamaica. Two weeks later a letter arrived from the secretary of state, the Earl of Halifax, dated December the ninth, 1763, stating that the Mosquito shore was a British settlement and was to be maintained and encouraged, "whereupon all the cannon was fired off for joy at the fears which had begun to take place lest it was intended to be deserted, being so happily dispelled".<sup>46</sup> The troops, however, were not returned and to their absence the residents of Mosquito in petition after petition ascribed all the ills from which they suffered in the succeeding years.

That the Spaniards were watching events closely and considered that the withdrawal of the British soldiers signified England's resolution to allow the dominion of Mosquitia to pass to them was evidenced by the arrival on the shore, within a fortnight of the sailing of the transport, of a Spanish officer charged with the duty of taking possession of the country. Unfortunately for the success of his mission the letter from the British secretary of state had preceded him. Accordingly his reception was not flattering. Cannon shot greeted his attempt to land without the usual formalities. When these had been complied with and

<sup>46</sup> C O 123, I. Relation of what passed on the Mosquito Shore at and about the time of the execution of the seventeenth Article of the Peace, by Robert Hodgson, 23 Dec., 1766.

he was at last on shore the English citizens politely and coldly assured him, in reply to his questions, that the departure of the troops had nothing whatever to do with the Treaty of Paris. There were several excellent reasons, he was told, for their return at that time to Jamaica. In the first place the Jamaican Assembly had just resolved that the additional allowance hitherto made to all troops attached to that station was in the future to be confined to those in the immediate service of the island, and, secondly, the regiment of which the Mosquito soldiers had formed a part, was under orders to proceed to Europe as soon as another, which was daily expected, arrived to relieve it. The welcome from the natives was even more unsatisfactory. Suspecting his purpose the Indians had collected in large numbers and were only with the greatest difficulty restrained by the English from making the lieutenant-colonel from Guatemala a sacrifice to their hatred of his nation. Before the day was over he was very thankful to avail himself of the protecting roof of the English "father of the settlement" until such time as the wind and surf made a return to his boat and prompt departure possible.<sup>47</sup>

In the period which these events opened and which was to close only with a renewal of open hostilities, England pursued on the Mosquito Coast what the inhabitants described as a

<sup>47</sup> C O 123, II. To the Right Hon. Lords of Trade and Plantations the reply of H. M. subjects, the Principal Inhabitants of the Mosquito Shore in America to the printed pamphlet, entitled *The Defence of Robert Hodgson* (1780). "This much we know that this seventeenth article was considered by the Spaniards as meant to give them the dominion of the shore; agreeably to which idea a Spanish officer of distinction, soone after the peace, arrived there, and demanded possession of it. . . . Captain Otway was at the time superintendent, who behaved upon the occasion with great prudence and propriety; and Mr. William Pitt, father of the settlement during his lifetime, took the Spanish officer under his roof and protection for one night as the surf on the bar rendered his return on shipboard impracticable, but it required all his unequalled influence over the Indians to effect this officer's preservation whilst on land, and his safe return to the vessel the next day. For suspecting his business, the Mosquito men were ardent to resent the injury by making him a sacrifice to their vengeance against the Spaniards."

Cf. C O 123, I. "Relation of what passed on Mosquito shore at and about the time of the execution of the seventeenth Article of the Peace", by Robert Hodgson, 23 December, 1766.

"cautious equivocal" policy.<sup>48</sup> She neither wholly withdrew from the country nor yet maintained sovereignty over it openly by countenancing a garrison to afford protection to the colony. As late as February, 1777, the council of Jamaica placed itself on record as being of the opinion that the governor was restrained by the seventeenth article of the Treaty of Paris from complying with the prayers of the inhabitants of the Mosquito coast and sending troops there. Yet a superintendent was kept on the Shore and the Spaniards understood that in any attempt at open encroachment on Mosquito territory they would have to face forces from Jamaica as well as the Mosquito Indian levies.

As neither the Spanish nor the British court wished for open hostilities on a Mosquito shore issue their respective subjects and dependents in Central America were reduced to rendering each other as uncomfortable as possible through an unending series of annoying practices. The custom of their Spanish neighbors to which the Mosquito inhabitants most objected was the open encouragement given to their negro slaves to desert to the Spanish settlements. Demands for their return were usually refused on the ground that the negroes had sought Christianity among the Spaniards and were detained for instruction in true religious principles.<sup>49</sup> In retaliation, any Spaniard or Spanish

<sup>48</sup> C O 123, II. "Memorial from the settlers of the Mosquito Coast" to Lord North, 29 Sept., 1783. "Your Memorialists wish to put you in mind of the well known disposition of the Court of Spain and its commanding officers in Guatemala and other governments of the Isthmus of America and of the many open and secret attempts made by them to reduce this country to the obedience of His Catholic Majesty in time of profound peace, from 1763 to the war of 1779, during which time, as well as during the whole course of the late war, the conduct of H. M. Government here as well as at Jamaica, has been so cautious, equivocal and discouraging as not only to prevent the settlement and commerce of the country from increasing by new settlers and men of property going down to it, but has essentially ruined your Memorialists settled here by leaving them altogether unprotected to the invasion, conquest, and plunder of the enemy in April, 1780, and March 1782." The despatch closes with an appeal for a detachment of 100 men and officers to be stationed at Black River and another at Cape Gracias à Dios.

<sup>49</sup> Joseph Otway, superintendent of the Shore, in a letter to the Earl of Halifax written from Black River, 20 Jan., 1766, gives an account of one incident of this nature. "I dispatched a letter by a person whom I furnished with a flag of truce . . . to Don Francisco Aybar, Commandant of His Catholic Majesty's town

dependent found wandering in Mosquito territory was fortunate if he escaped with his life. In the late sixties the English settlers discovered that Spanish activities had taken on a new form and that their white neighbors were carrying on secret propaganda work among the Mosquito Indians, leaving to the settlers' minds no shadow of doubt that their fixed intention was to subdue the Mosquito shore.<sup>50</sup> Disturbing proofs of this intrigue were found in 1769 when a letter from Don José de Neva, the Spanish governor of Cartago, to Admiral Dillson a Mosquito chief, came to light.<sup>51</sup> Captain Forrest, in charge of the ship at the Jamaica station wrote to the secretary of the admiralty in

of St. Fernando de Omoa . . . for the restitution of 7 negro slaves who deserted from hence on the night of the 16 August, 1765. . . . Aybar, with great indecency of language, denied H. M.'s having any settlement on the Mosquito shore or officer at the place and regarded the commission of the flag of truce as unauthentic and confined the person . . . on board a Spanish brigantine of war. He asserted that as the negroes in question had come to seek Christianity among them he had sent them to Guatemala to be instructed in Christian principles." C O 123, I.

Otway's letter to the Spanish commandant, dated 2 Sept., 1765, is of interest. ". . . there is the strongest reason to believe the desertion of the before-mentioned negroes was occasioned by the persuasions of some mulattoes, subjects to His Catholic Majesty, all of whom I have taken into custody and shall keep them confined until such time as I receive a satisfactory answer regarding the negroes. If you shall delay or refuse . . . I shall proceed with the Spanish mulattoes according to our laws and shall make representations for the redress of His Britannic Majesty's subjects." C O 123, I.

C O 123, II. In a memorial to the Rt. Hon. Lord George Germain from the principal inhabitants of Mosquito Shore, dated 26 Sept., 1779, it is stated, "The desertion of negroes has been immense and most distressing ever since the unfortunate period when the troops were withdrawn".

<sup>50</sup> C O 123, II. "Memorial to the Rt. Hon. Lord George Germain from the Principal Inhabitants of Mosquito Shore", 26 Sept., 1779. "Long, secret, and industrious measures to influence the Indians leave no shadow of doubt of their fixed intention to subdue the Mosquito Shore." For reference to the conspiracy of Don José de Neva, Spanish Governor of Cartago, to extirpate all H. M.'s subjects from the Mosquito shore in the course of the spring and summer of 1769, see C O 123, II, "The Reply of H. M.'s Subjects, the Principal Inhabitants of the Mosquito Shore", in answer to the Pamphlet entitled *The Defence of Robert Hodgson*, 1780.

<sup>51</sup> S. P. Spain 183. Forrest to Stephens, Jamaica, 8 Oct., 1769. "From a letter from the Mosquito Shore to the Governor of Jamaica we seem to be in a fair way of losing the interest we have so long preserved amongst Mosquito men who have hitherto been our fast friends and inveterate enemies to the Spaniards."



the autumn of that year, "We seem to be in a fair way of losing the interest we have so long preserved among the Mosquito men who have hitherto been our firm friends and inveterate enemies to the Spaniards". When to the settlers' troubles with their neighbors were added domestic trials with a new superintendent, these British subjects felt their measure of woes to be full to overflowing. Robert Hodgson, superintendent in 1767, attempted to carry into effect, on what the settlers regarded as insufficient authority, constitutional changes involving the independence of the Shore from Jamaica.<sup>52</sup> The oppressive power assumed by this ambitious official made him obnoxious to the Indians and, the settlers believed, provided the watchful Spaniards with an opportunity favorable for trying the effect of presents, flattery, and insinuations on the loyalty of the Mosquitos.<sup>53</sup> The despatch of an experienced Indian negotiator from Jamaica, bearing presents for the Indians, the recall of the unpopular superintendent, and the establishment by Sir Basil Keith of a new government relieved the more pressing difficulties,<sup>54</sup> but life on the Mosquito shore continued a precarious matter subject to constant alarms and annoyances through the whole period between 1763 and 1779.

The difficulties between Spaniards and Englishmen on the Mosquito shore were reflected only very slightly in the diplomatic correspondence of the two countries, but the troubles which centered about the application of the Treaty of Paris to another portion of Central America occupied the official representatives many months, and culminated in a diplomatic crisis only less acute than that famous under the name of the Falkland Island incident. Eighty leagues to the north of the Mosquito coast was that section of the Bay of Honduras frequented from the seventeenth century onwards by British logwood cutters. The con-

<sup>52</sup> C O 123, I. "Some Thoughts on proper measures to be taken for settling the Mosquito Shore," by Robert Hodgson, 12 Oct., 1766.

<sup>53</sup> S. P. Spain 183. Forrest to Stephens, 8 Oct., 1769.

<sup>54</sup> Robert Hodgson, on the petition of the inhabitants was recalled in August, 1775. Sir Basil Keith, Governor of Jamaica, appointed John Ferguson superintendent of the Mosquito shore, 29 December, 1775. He arrived to take up his new work on the 11 January, 1776.

nection between the two British settlements in Central America had long been close. Through the years while the logwood cutters were making their determined fight to secure a footing in this section of Spanish America, they repeatedly found Mosquitia a welcome place of retreat from the persecution of the Spaniards. Many of them had families and maintained plantations on the friendly shore.<sup>55</sup> Previous to the Treaty of Paris the cutters could point to no visible bonds uniting them either to Jamaica or to the home government such as connected their neighbors to the British system. Magistrates elected in a public meeting furnished their only form of civic organization. There was no superintendent, no company of soldiers, and no block-house. One of the concessions insisted upon at Paris by the British negotiators in recognition of the magnificent victory which had attended English arms in the Seven Years' War was a recognition by Spain of the right of the British logwood cutters to continue their operations in the Bay of Honduras. This was in the Treaty in the seventeenth article which stipulated on the part of Great Britain that "His Britannic Majesty shall cause to be demolished the fortifications which his subjects shall have erected in the Bay of Honduras and other places of the territory of Spain in that part of the world"; on the part of the king of Spain that "His Catholic Majesty shall not permit His Britannic Majesty's subjects or their workmen to be disturbed or molested under any pretence whatsoever, in the said places, in their occupation of cutting, loading, and carrying away logwood; and for this purpose they may build without hindrance and occupy without interruption the houses and magazines which are necessary for them, for their families, and for their effects".

Within a month of the signing of the treaty, which at last endowed them with a recognized position, the logwood cutters were back in their old positions on the Bay.<sup>56</sup> The governor of Yucatan was shortly afterwards informed of their arrival, assured

<sup>55</sup> C O 125, I. Petition to the King, 31 May, 1766.

<sup>56</sup> Petition from the Principal Settlers in the Bay of Honduras to William Henry Lyttleton, Governor of Jamaica, undated. Enclosed in S. P. Spain 167, Halifax to Rochford, 15 June, 1764.

that there were no British fortifications, and requested to order the commandant of Bacalar, the nearest Spanish officer, to offer no embarrassment to them.<sup>57</sup> For months the British cutters were left undisturbed, but on the fourth of February, 1764, a corporal and three soldiers from the nearby Spanish garrison of San Felipe arrived at the Río Hondo, where the logwood cutters were engaged, bearing a letter from the governor of Yucatan ordering them to withdraw until such time as they could produce either a *cedula* from his Catholic majesty or a license from the British king.<sup>58</sup> As evidence that the command was to be enforced, the Spanish post called "Look-out St. Antony" commanding the mouth of the Río Hondo, was strengthened and the garrison ordered to prevent English vessels from entering the river.<sup>59</sup> Leaving behind them twenty-two merchant vessels

<sup>57</sup> Letter from Joseph Maud, one of the principal logwood cutters, to the governor of Yucatan, 23 May, 1763, enclosed by Halifax to Rochford, 3 July, 1764. S. P. Spain, 167. Also extract from a letter from Lieutenant Hodgson to Governor Lyttleton, dated Black River, Mosquito Shore, 2 Nov., 1763, enclosed by Halifax to Rochford, 24 July, 1764. "On pursuance of the King's warrant and Your Excellency's letter I repaired to the Bay of Honduras . . . and visited those parts where there was a probability of any fortifications having been erected by British subjects . . . and declare that there are no fortifications, troops, artillery, or stores belonging to His Britannic Majesty in the Bay of Honduras."

<sup>58</sup> Petition of the Principal Settlers to Lord Lyttleton in S. P. Spain 167, Halifax to Rochford, 15 June, 1764. Cf. Testimony of Jeremiah Balfour, master of the brigantine *Inflexible* of the port of Kingston, who was employed by the cutters to carry their petition to Jamaica, dated 9 April, 1764, and enclosed in S. P. Spain 167, Halifax to Rochford, 3 July, 1764.

Letter from the Governor of Yucatan to Mr. Joseph Maud, one of the principal logwood cutters, 29 Dec., 1763, enclosed in S. P. Spain 167, Halifax to Rochford, 3 July, 1764. ". . . I have detached the commandant of the Fort Bacalar with this requiring you that in consideration of the want of instruments necessary for your introduction and having extended yourselves for the produce of the country as though your own without waiting that the limits be fixed with the necessary solemnities that should have secured your establishments, you will be pleased with great promptitude to give the necessary orders that all of your nation that are in the Rio Hondo retire to Balis and wait until they present me with the Royal Schedule that the King my master dispatched to that end, or orders from the King of England for that purpose which there is no doubt I shall attend to with the care and equity I am commanded. . . ."

<sup>59</sup> Copy of an order from Don Joseph Rosado, commandant of Fort Bacalar, 22 Feb., 1764, enclosed in S. P. Spain 167, Halifax to Rochford, 3 July, 1764.

deprived of their loadings and in a most "miserable and melancholy situation and in a starving condition", five or six hundred British settlers withdrew to Balis, an old, deserted settlement, and to New River, a more recent cutting.<sup>60</sup> From this latter place they were also shortly driven away and told that unless they wished to suffer the loss of their slaves and violent arrest, they would assemble and remain at Balis.<sup>61</sup> Meanwhile a specially hired vessel bore an account of their troubles and an appeal for help to Jamaica. But as Sir William Burnaby's letter of remonstrance to the governor of Yucatan brought only an unsatisfactory reply, it was left for the home Government to secure redress from the Spanish court.<sup>62</sup>

In sending information of the affair to the British ambassador in Madrid the instructions of the secretary of state were to secure the despatch of positive orders obliging the Spanish governor to restore to British subjects the free enjoyment of those rights "the obstruction of which has so evident a tendency to interrupt the good correspondence which so happily subsists between the

<sup>60</sup> S. P. Spain 167. Testimony of Jeremiah Balfour, 9 April, 1764, in Halifax to Rochford, 3 July, 1764.

<sup>61</sup> S. P. Spain 167. Copy of order from Don Joseph Rosado. "Notwithstanding that the Serjeant Dionisius Chavaria who is detached to the Lookout of St. Antony has necessary orders that the English logwood cutters of Rio Hondo retire to Balis without any demur, in consideration that since the 4th instant when I intimated to them the order of my Governor and Captain General they had had sufficient time to evacuate the River carrying out all the utensils of their houses, I order and command the said serjeant to receive eleven soldiers of this garrison well armed that with four there before complete the number of fifteen that are to remain at the said Lookout that with them he do not permit any English vessels to enter the mouth of this River on any pretence whatsoever. If any [cutters] remain in the river they are to go out immediately . . . with so much brevity that he do not permit them to detain or stop anywhere but retire totally, likewise those to the New River, because in the order intimated to them before it is expressed that the retreat is to Balis and to no other part, and on the contrary they will be exposed to an evident danger and by their disobedience they may lose their negroes and find themselves under violent arrest."

<sup>62</sup> *Ibid.*, Burnaby to D. Philip Ramirez de Esteños, enclosed by Halifax to Rochford, 3 July, 1764. This letter set forth that by the seventeenth article of the Treaty of Paris the cutters required no instruments in order to reestablish themselves in the Bay.

two crowns".<sup>63</sup> A second letter stated that the king insisted on reparation and redress.<sup>64</sup> For a month Rochford could secure no satisfactory reply to his representations.<sup>65</sup> In answer to his office, the Spanish foreign minister, the Marquis Grimaldi,<sup>66</sup> only expressed vague disapproval of the governor's action should events turn out to be such as the ambassador believed them. It was necessary, he asserted, to await information from Spanish-American sources before taking action.<sup>67</sup> Not until the British representative significantly pointed out "that this had been the cause of more than one war" could a serious hearing be secured.<sup>68</sup>

In the discussions that followed it developed that the governor of Yucatan had acted on orders signed by Don Julian de Arriaga, president of the council of the Indies, commanding him to "observe exactly the letter of the treaty, to take care the English go nowhere but where they are entitled to go as they are subjects likely to encroach".<sup>69</sup> The American official had interpreted this to mean that the logwood cutters were to be confined to the particular places in the bay where previously they had been in the habit of cutting logwood. As he believed the Río Hondo did not

<sup>63</sup> S. P. Spain, 167. Halifax to Rochford, 15 June, 1764.

<sup>64</sup> *Ibid.* 3 July, 1764.

<sup>65</sup> *Ibid.* Rochford to Halifax, 8 July, 1764. The first office from Rochford to Grimaldi on the affair was dated 4 July, 1764.

<sup>66</sup> Pablo Heronimo Grimaldi, Palavicini y Spinola, Marqués di Grimaldi. Foreign minister of Spain from October, 1763, to 1777. As Spanish ambassador to France, 1761-63, Grimaldi had carried through the negotiation for the famous Family Compact (signed August the fifteenth, 1761) and the accompanying Secret Convention providing for the application of the principles of the pact to the Seven Years' War then in progress. Later he signed the Preliminaries of Fontainebleau, 4 November, 1762, and the final Treaty of Paris, 10 Feb., 1763. On the retirement of General Wall, Charles called Grimaldi to the first place in his council. He assumed his duties as foreign minister, 14 October, 1763. By the British ambassador he was regarded as hopelessly pro-French in his sympathies. Rochford once wrote that Grimaldi was "more a tool of Choiseul the French Foreign Minister than he was of His Catholic Majesty's". S. P. Spain, 166, Rochford to Halifax—most secret—13 Jan., 1764.

<sup>67</sup> S. P. Spain 167, Grimaldi to Rochford, 7 July, 1764, enclosed by Rochford to Halifax, 8 July, 1764.

<sup>68</sup> *Ibid.* Rochford to Halifax, 30 July, 1764.

<sup>69</sup> *Ibid.* Rochford to Halifax, 14 September, 1764 (and continued later). "Both Grimaldi and Squillace lay the whole blame of this affair on Arriaga who signed the original instructions to the Governor of Yucatan".

come under this description the incident at that place had been an attempt to carry his general principle into practice. The line taken by the British government was not to insist on the Río Hondo being a former settlement as the settlers asserted it was, but to insist that the seventeenth article should be recognized by the Spanish government as giving to the British a general liberty to cut logwood "in the Bay of Honduras and other places in the territory of Spain in that part of the world". The Spanish government, on the other hand, wished to secure a clear definition of the geographical limits to the privilege. The secretary of state made it perfectly clear that in return for a precise understanding his government was prepared to be generous in the matter of boundaries. Grimaldi's words in the course of a conversation with Rochford were "All you could have asked would and will be granted to you. You shall have full liberty to cut at Río Hondo, Rio Nueve, and everywhere along the coast, and instead of modifying the Treaty we are willing to amplify it, but as you have no right nor do you pretend to have a right to go to Mexico, why do you object to declaring it?"<sup>70</sup> Rochford wrote that the attitude of the Spanish minister was based on a "determined belief that our people have nothing else in view but to cut at places most convenient for them to carry on illegal trade".<sup>71</sup> The ambassador learned from the Spanish

<sup>70</sup> S. P. Spain 168. Rochford to Halifax, 14 September, 1764.

That Rochford at first was in favor of definitely settling boundaries is clear from his letter of 6 August, 1764, S. P. 168. "I do not know whether it is the King's intention or desire to have this article explained or not, but I foresee that unless it is there will be no end of differences between our logwood cutters and the Spanish Governor as to granting us places where there is the greatest quantity of wood and the greatest convenience . . . I am persuaded I should find all sorts of facility from the ministers here . . . and I cannot help observing that this opportunity is a most favorable one for adjusting it". Rochford's views were not acquiesced in at home and he successfully carried through the interpretation desired by Halifax.

<sup>71</sup> S. P. Spain 168. Rochford to Halifax, 6 August, 1764.

It is noteworthy that the Governor of Yucatan did not support this view. Rochford reported to Halifax (S. P. Spain, 169, 7 June, 1765), that in a recent letter from the Governor of Yucatan to Arriaga "the Governor represents that he did not perceive the least design of our people's endeavour to carry on any illicit trade".

minister that during the war the king had actually proposed to burn all the logwood trees in that part of the world in order to prevent all possible future connection with the English there, which scheme, "though a wild one" commented Rochford, "shows how possessed they are of our people carrying on an illicit trade under the pretence of cutting logwood".<sup>72</sup>

Assured by the British ambassador that he was "perfectly satisfied that there is nothing they will not do to avoid quarrelling with us at this time", the English government refused to enter into any negotiations looking towards an interpretation of the vague words of the treaty, insisting that, preliminary to any discussion must come a disavowal of the Yucatan governor's proceedings, the re-establishment of the logwood cutters in the places from which they had been driven, and reparation for the injuries sustained.<sup>73</sup> After an interview held on the thirteenth of September, which was broken off by the British ambassador rising to leave the room, declaring that unless satisfaction was given "the king would be obliged to take his measures for reinstating his injured subjects" and that the Spanish minister must understand that his refusal was the same as to "*sonner le tocsin de la guerre*", Grimaldi capitulated.<sup>74</sup> In the ambassador's presence a letter to the governor of Yucatan was drawn up reproving him for not having consulted the king previous to giving notice to the British logwood cutters to retire, ordering him to "re-establish them in the very same places they then were and to let them know that they may return to their occupation of cutting logwood without disquieting or disturbing them under

<sup>72</sup> S. P. Spain 168. Rochford to Halifax, 6 August, 1764. "I cannot finish this letter without acquainting your Lordship with an anecdote that I learned from M. Grimaldi, that during the war the King of Spain had proposed to burn all the logwood trees in that part of the world to prevent all possible connection with us there; which scheme, though a wild one, proves how prepossessed they are of our people's carrying on an illicit trade under the pretence of cutting logwood."

<sup>73</sup> S. P. Spain 168. Rochford to Halifax, 14 September, 1764.

<sup>74</sup> *Ibid.* "At this part of the conversation I got up, and told him, I was sorry to find he stopped at such a trifle, but that unless satisfaction was given, the King would be obliged to take his measures for reinstating his injured subjects, and he must see that this would be the same thing as to *sonner le tocsin de la guerre*. Vous avez raison, dit-il, et j'atteste Dieu que je ferai tout ce qui depend de moi pour l'éviter."

any pretence whatever".<sup>75</sup> The last three lines of the document were written by Rôchford himself.<sup>76</sup> The ambassador's further demand for reparation was declared by Grimaldi to be "a little too imperious". The Spanish minister declared that he "had not yet, because he dared not, propose it to the king".<sup>77</sup> Again and again in the following months Rochford returned to this part of his instructions, but was always met with a refusal and the statement that the king had already done more than could reasonably have been expected.<sup>78</sup> On one occasion Grimaldi remarked to the ambassador: "You do not know what a master I have to deal with, when he has once taken a resolution there is nothing can make him alter, especially as he is persuaded your demand is unjust and unreasonable, and that compliance with it would give room for a further extension of the seventeenth article of the Definitive Treaty".<sup>79</sup> Ultimately the logwood cutters' claims for damages, amounting to 27,097 pounds, 8 shillings, and 5 pence, had to be allowed to join the long list of unsatisfied but dormant claims of British subjects against members of the Spanish dominions.

That the British government was on the whole highly pleased with the outcome of the controversy was made clear in a letter from the secretary of state to the diplomat in whose hands negotiations had rested. "The Government", wrote Halifax, "had already gained the essential objects of His Majesty's

<sup>75</sup> S. P. Spain 168. Order from Don Julian de Arriaga to the Governor of Yucatan, 16 September, 1764, sent by Grimaldi to Rochford, 17 September, 1764, and enclosed by the ambassador to Halifax in his letter which had been begun on 14 September, 1764. Cf. also *Ibid.* Rochford to Halifax, 27 October, 1764. In the course of an interview on the eighteenth Grimaldi informed the ambassador, "We are so jealously inclined and so determined to have no more disputes with you that besides the duplicate I gave you for the Governor of Yucatan I have by express orders in a private letter directed him that in case the English ever do anything illegal not to oppose them but to represent it first to the court that H. M. might judge himself of the affair before any steps are taken."

<sup>76</sup> S. P. Spain 168. Rochford to Halifax, 14 September, 1764. "Grimaldi then took the pen and drew up the form of the letter he would write immediately to the Governor of Yucatan . . . after altering some facts of the letter and adding the last three lines myself we were so far agreed."

<sup>77</sup> *Ibid.*

<sup>78</sup> S. P. Spain 168. Rochford to Halifax, 27 October, 1764.

<sup>79</sup> *Ibid.* Rochford to Halifax, 17 December, 1764.



demands. The conduct of the Governor was disavowed. The re-establishment of the logwood cutters in the several places from whence they had been expelled was granted, and the Spanish ministers had both agreed to admit the stipulation of the Treaty in its fair and genuine sense and to allow that His Majesty's subjects are not to be molested in their occupation of cutting logwood in the Bay of Honduras and in other places of the territory of Spain in that part of the world."<sup>80</sup> As for the unsatisfied reparations claim it served the British ambassador excellently well when the Spanish minister renewed the subject of a definition of boundaries in connection with Article seventeen.<sup>81</sup>

In the meantime the British government took energetic steps to render effective the order secured with so much difficulty, Sir William Burnaby, in command of the naval forces at Jamaica, was ordered to proceed in person to the Bay of Honduras, deliver the order to the governor of Yucatan and see that the logwood cutters were reinstated.<sup>82</sup> Accompanied by vessels of war and some four hundred soldiers, Burnaby arrived in the Bay of Honduras in March, 1765, and was able by the twenty-sixth of the month to report that agreeable to orders the cutters had been given possession "in form" of the Río Hondo, Río Nuevo, and all the places from whence they had been driven by the commandant at Bacalar, and were now "perfectly satisfied". Don Felipe Ramírez de Estenos, the governor of Yucatan who had caused all the trouble, was dead and his successor professed the greatest regard for his Britannic majesty's subjects. In these circumstances, the escorting war vessels were sent back to Jamaica,

<sup>80</sup> S. P. Spain 168. Halifax to Rochford, 5 October, 1764.

<sup>81</sup> *Ibid.* Halifax to Rochford, 27 October, 1764. "As soon as he [Grimaldi] saw me he said, 'I hope you will not think of mentioning your reparation of damages any more. I see plainly by Prince Masserano's letter that your ministers have still further views, for although they had some faint pretences for refusing to treat about settling limits where you were to go in the Bay of Honduras and that Part of the World before we complied with what you demanded, why is Lord Halifax now silent?' He said a good deal more in the same peevish stile,—that we were an enterprising nation and had extended views of commerce which could not be borne. I pointed out that the demand for the reparation of damages yet remained uncomplied with". Halifax replied to this, 23 November, 1764.

<sup>82</sup> S. P. Spain 168. Halifax to Rochford, 5 October, 1764.

the cutters being promised, however, that from time to time one should be sent to inquire into the state of the settlement.<sup>83</sup>

Until the declaration of hostilities in 1779, no further attempt was made by the Spaniards to drive the logwood cutters from Honduras Bay. The worst inconvenience they suffered from the proximity of the Spanish settlements was the constant loss of negro slaves through the encouragement given to them to desert to Spanish territory from whence it was found impossible to extract them. Every request for their return was met with the excuse that orders from the king of Spain commanded his servants in the New World to give protection to all who came to embrace the Roman Catholic religion. In 1768, it was asserted that boats for the purpose of assisting slaves to escape were kept constantly plying at the mouth of the Río Hondo from whence the slaves were sent to the commandant of Bacalar who transferred them to the governor at Marida.<sup>84</sup>

The chief troubles, however, of the baymen after their re-establishment in 1765, came from internal disorders caused by the lack of an adequate system of government. Sir William Burnaby had remained with them through the spring and summer of 1765, and had drawn up a code of regulations for the government of life at the bay, but laws without provisions for enforcing

<sup>83</sup> Ad. I, 238. Sir William Burnaby to Mr. Stephens, on board the *Active* off the River Baliz in the Bay of Honduras, 26 March, 1765, enclosing a translation of a letter from the Governor of Yucatan, Joseph Alvarez, to Sir William Burnaby, 5 March, 1765.

<sup>84</sup> S. P. Spain 180. "Memorial of Allan Auld of London, Merchant, and trading in the Bay of Honduras for self and on behalf of his correspondents, settlers there." (Copy sent to Gray, 22 July, 1768.) "The present Spanish governor and his commandant in those parts continue to shew the same inamicable disposition toward the British settlers there as the other governors already complained of did. The Spaniards exert their utmost skill and attentions in seducing the negroes of H. M. subjects into their power, and for this purpose keep boats constantly plying at the mouth of the Río Hondo from whence they send them as they come to hand to the Commandant of Bacalar who transports them to the Governor at Marida, where they remain lost forever to their true and proper owners. . . . Matters are come to this miserable pass that at the time of writing these last despatches, 23 British negroes armed had gone off from the New River to the Spaniards and many more are expected to follow them, all H. M.'s subjects there being reduced to the last necessity of protecting their houses from being plundered and themselves from being slain."

them were found to be of little use, and the governor of Jamaica, within a few months of Burnaby's departure, was petitioned to provide some system of civil government. Lyttleton believed that this involved the exercise of greater rights than the British crown possessed, but forwarded the request to England. The advocate general, some months later, gave it as his opinion that "some sort of territorial right had been acquired by Great Britain at the Bay by the seventeenth Article of the Treaty of Paris sufficient to enable her to maintain and exercise civil jurisdiction over her subjects there".<sup>85</sup> Even after this pronouncement no political agent or minister on behalf of the crown was appointed nor even an efficient police system established.<sup>86</sup> The inhabitants also failed to be able to secure the constant presence of a ship of war in the harbor. The result was perpetual internal disturbance, frequent disorders among the visiting merchant ships, and losses from the Spaniards who seduced their negroes and "robbed them at pleasure of their fishing and turtling vessels". These conditions remained much the same until on the outbreak of war, in 1779, the unorganized and helpless settlement fell an easy prey to the Spaniards who carried into wretched captivity at Havana many of the settlers whom fourteen years earlier they had been forced to restore ceremoniously to their cuttings. For the next five years his majesty's settlement in Honduras Bay was hardly in existence.

<sup>85</sup> C O 123. Case of settlers of the Bay of Honduras referred to H. M. Advocate General, 21 April, 1766.

<sup>86</sup> C O 123, II. "Memorial of His Majesty's subjects captivated and plundered in Yucatan, and driven from the Bay of Honduras in September, 1779, to Lord North, London, 13 June, 1783." "On the reestablishment of H. M.'s subjects on the coast of Yucatan and in the Bay of Honduras agreeably to the Treaty of Paris, 1763, no attention given or care taken to appoint any sort of public agent or minister on behalf of the crown, who might have prevented or obtained immediate redress for many injuries done to and suffered by the inhabitants and have prevented any real or pretended offences given to the Spaniards. As little attention was given to the establishment of any kind of government by which the authority of the magistrate and the influence of the laws might have restrained the disorders of the licentious and given security to persons of property, from this neglect it happened that your memorialists suffered numberless indignities and losses from the Spaniards seducing their negroes and robbing them at pleasure of their fishing and turtling vessels."

In West Florida, the only other British settlement in America that marched on Spanish territory, treaty rights did not come into serious dispute until 1769. As long as Louisiana remained under the mixed French and Spanish provisional administration of Aubry and Ulloa, while both Spanish and English neighbors complained of the prevalence of clandestine trade and of refuge given by the others to deserters, on the whole a certain tolerance of each other prevailed.<sup>87</sup> Only a few score of soldiers were maintained in either province.<sup>88</sup> In Louisiana, English merchants were permitted to reside in New Orleans, a certain number of imports from the English seaboard continued to be admitted as in the days of purely French government, and no serious attempt was made to interfere with England's right under the Treaty to navigate the waters of the Mississippi on equal terms with the French.

The mere appearance, in August 1769, of General O'Reilly attended by three thousand men, in a part of the world where soldiers were counted at the most in hundreds, created almost as much consternation in the neighboring English settlement as among the French rebels of Louisiana.<sup>89</sup> Governor Browne applied immediately to General Gage for a further reinforcement

<sup>87</sup> C O 5, 241. Hillsborough to Major General Gage, 11 June, 1768.

<sup>88</sup> *Ibid.* 13 May, 1769. Hillsborough, secretary of state in charge of American affairs, in a letter to Major General Gage, approved of the force in West Florida consisting of six companies "which you represent to be a force sufficient for the defence of it".

<sup>89</sup> *Ibid.* Hillsborough to Gage, 9 December, 1769. "Advices received through various channels of the arrival at New Orleans of a force so greatly exceeding what the object seemed to require, the negotiation and correspondence carried on with the Creek Indians from the Havana, the naval preparations at the port and the augmentation of their troops there greatly beyond the usual peace establishment are circumstances which combined with other intelligence, make it necessary to give particular attention to the security of those parts most exposed to insult or attack. The situation of West Florida particularly answers this description. The merchants concerned in trade thither and other persons interested in improvements in the colony have expressed great apprehensions. . . . H. M. considers a greater force required for its protection than is at present stationed there. . . . Lose no time in sending thither such a number of troops and putting forts in such a state of defence as you shall think sufficient to discourage or disappoint any sudden attempt to distress and break up our infant settlements."

of troops,<sup>90</sup> and an officer reported on the most suitable steps to be taken for strengthening the defenses of Pensacola and Mobile.<sup>91</sup> The first weeks of the new governor's administration brought convincing evidence that he proposed that the intercourse permitted under Ulloa and Aubry should be replaced by the exclusive system that prevailed throughout the rest of Spanish America. While forts on the Spanish bank of the Mississippi were strengthened, orders forbade the further importation of English colonial goods, and British merchants were prohibited from residing in New Orleans.<sup>92</sup> As for the British right of navigating the boundary river the Spanish general meant that this right in the future should bear a narrower construction than it had in the past. An English engineer, passing in September, 1769, up the river under commission from the governor of West Florida to visit the English forts on its eastern bank, met with treatment designed to impress all Englishmen with the limitations of Article seventeen. Not only was the officer forbidden to set foot on shore at New Orleans to secure the usual provisions for his journey, but his vessel was cut loose from its moorings by a company of Spanish soldiers, under orders from the governor who declared that while the English might navigate the waters of the river they would not be allowed to attach so much as a line to the Spanish shore. To the engineer's protest that as "warping and tacking" was the only practical method of navigating the river his order in practice deprived the English of a right guaran-

<sup>90</sup> S. P. Spain 183. Extract from Lt. Governor Browne to the Earl of Hillsborough, Pensacola, 8 October, 1769, enclosed by Hillsborough to Weymouth, 23 Jan., 1770. "I took the first opportunity after I was informed of Count O'Reilly's arrival . . . of writing General Gage hoping that a reinforcement of troops will not be long retarded. I really think, my Lord, it is now expedient to reestablish posts on the Mississippi and Iberville, to protect those already settled, and to encourage others to settle and to have a strict eye on Spanish manoeuvres." One regiment and a company of artillery was Gage's reply to the appeal for extra troops. CO 5. 80. Gage to Hillsborough, 24 April, 1770.

<sup>91</sup> CO 5. 80. Gage to Hillsborough, 18 August, 1770.

<sup>92</sup> *Ibid.* 88. Gage to Hillsborough, New York, 4 December, 1769. "We are informed that Count O'Reilly is very assiduous to prevent any foreign commodities getting into Louisiana hoping to keep the trade of the province entirely in the hands of Spain, and that he will not suffer the English or any other foreigners to reside at New Orleans in the manner they have done hitherto."

teed by treaty, O'Reilly paid no heed further than to repeat his resolutions in a letter to Governor Browne.<sup>93</sup> A protest to the Spanish court against O'Reilly's behavior on this occasion secured no satisfaction. Grimaldi expressed surprise that the English government should complain of the "mild and temperate" conduct of the Spanish general. The Spanish, not the British, government had reason to complain of the incident. On their part, he assured the British representative, the treaty should be "rigidly observed".<sup>94</sup>

As long as O'Reilly remained in America, alarms followed each other in rapid succession. His relations with the Indians created the utmost apprehension in Florida. Governor Browne, writing to the secretary of state in October, 1769, of a rumor that O'Reilly was to meet the Creek Indians in a great congress, declared that the Spanish governor's conduct indicated a purpose of "corrupting all the Indians surrounding us and by this means driving us from the Gulf of Mexico". Since his arrival, the red men were "insolent, dissatisfied, and mischievous beyond measure".<sup>95</sup> The fear of a congress proved to be groundless,<sup>96</sup> but it was with a sigh of relief that the English in West Florida heard in the spring of 1770 that General O'Reilly considered his province quiet enough to be left in the hands of others.<sup>97</sup> After his departure and the reduction of the military forces of Louisiana to five hundred and sixty-two men excessive alarm gradually subsided, although it was still thought necessary to keep a regiment at Pensacola, and give that coast the protection of occasional

<sup>93</sup> S. P. Spain 183. Campbell to Lt. Gov. Browne, Pensacola, 9 October, 1769, enclosed by Hillsborough to Weymouth, 23 January, 1770. A long despatch giving a full account of his journey.

S. P. Spain 183. Alexander O'Reilly to Governor Browne, 24 September, 1769, enclosed by Hillsborough to Weymouth, 23 January, 1770. In this letter O'Reilly stated that he was not opposed to free navigation but that the English were not allowed to "anchor in port or to cross plank on shore without the governor's permission". Enclosed by Weymouth to Harris, 2 Feb., 1770.

<sup>94</sup> *Ibid.* Harris to Weymouth, 8 March, 1770.

<sup>95</sup> *Ibid.* Lt. Gov. Browne to the Earl of Hillsborough, 8 Oct., 1769.

<sup>96</sup> S. P. Spain 184. Extract from a letter of Governor Grant to the Earl of Hillsborough, St. Augustine, 27 March, 1770, enclosed by Hillsborough to Weymouth, 14 June, 1770.

<sup>97</sup> C O 5. 88. Gage to Hillsborough, 24 April, 1770.

visits of ships from Jamaica. The relations of the Spaniards with the Indians remained a permanent source of anxiety, while any crisis in the correspondence of the two courts suggested the possibility of attacks on Pensacola and Mobile, and increased the suspicious watchfulness with which the two nations regarded each other from their forts on opposite sides of the Mississippi.<sup>98</sup>

The island inhabitants of Spain and Great Britain in America had fewer occasions of crossing each others' paths than had those living on adjoining territories on the continent, but, wherever islands of the two nations closely approached each other, disputes were of common occurrence. The most persistent of these centered about the loss of slaves from the British to the Spanish territories, an evil which went to greater lengths among the West Indian Islands than anywhere else in America. Year after year, letters and petitions poured into the office of the British secretary of state in charge of colonial affairs, complaining of the encouragement given by inhabitants and officials of the Spanish islands to deserting negroes and on occasions of the capture of other negroes by raiding bands of Spaniards. Nearly all the British islands were affected at times, but the most frequent sufferers were Jamaica and the Virgin Islands because of their proximity to Cuba and Porto Rico.<sup>99</sup> In March 1767, the agent of Jamaica wrote to the Earl of Shelburne that "for some time past inhabitants of the Island of Cuba have carried off against their will many slaves from the north side of the island of Jamaica and that many others through the hopes of freedom have deserted and made their escape to Cuba". The inhabitants of the north coast, the writer said, had been driven to institute a patrol of militia which on several parts of the coast was kept on

<sup>98</sup> C O 5. 241. Cf. the "most secret and confidential" circular sent by Hillsborough to the governors in North America and the West Indies and the special letter to Gage, 28 September, 1770, apprising the governors and the military chiefs of the Spanish attack on the Falkland Island, and the consequent necessity of guarding against surprise attacks by the Spaniards especially along the Mississippi.

<sup>99</sup> S. P. Spain 178. Shelburne to Sir James Gray, 1 December, 1767.

S. P. Spain 179. Office of Gray to Grimaldi, 7 January, 1768, enclosed by Gray to Shelburne, 7 January, 1768.

guard all night in an effort to put a stop to these pernicious practices. Despite utmost efforts, however, the loss was continuous and enormous. The usual custom of escaping slaves was to seize a boat or canoe about ten or eleven at night, and with the assistance of the land current to get out of sight before daylight and arrive before the following night in Cuba "where they are not only well received, but even concealed when demanded". The number of slaves lost from the north side of Jamaica between July, 1766, and March, 1767, the agent reported, reached the total of ninety-five, "each worth at least one hundred pounds current money of Jamaica".<sup>100</sup>

Not only the British but the Danes<sup>101</sup> and the Dutch<sup>102</sup> complained of the difficulty of keeping their negroes out of the hands of their Spanish neighbors who found the king's *cedula* enjoining protection to incipient Roman Catholics an elastic excuse for providing themselves with the workers it had grown difficult to secure in a legitimate manner.<sup>103</sup> In 1767, Denmark succeeded in securing from the Spanish court a *cartel* for the mutual restitution of slaves between the Danish West Indies and Porto Rico.<sup>104</sup> When the British ambassador pressed for a like convention he was told by Grimaldi that the precedent could not be followed partly because the agreement with Denmark stipulated that there should be a public Catholic chapel established in the Danish colony for converted negroes, and the council of the

<sup>100</sup> S. P. Spain 177. Memorial of Stephen Fuller, agent for the Island of Jamaica, to the Earl of Shelburne, 9 March, 1767, enclosing a letter from Thomas Gordon to Fuller, 4 March, 1767 (among the papers given to Sir James Gray on his departure for Madrid).

<sup>101</sup> S. P. Spain 178. Shelburne to Gray, 1 December, 1767.

<sup>102</sup> S. P. Spain 180. Gray to Weymouth, 24 November, 1768. "M. Doublet lately made by order a strong representation in writing upon the great injury done to their settlement at Caracao by the seduction of their negroes."

<sup>103</sup> *Ibid.* Gray to Shelburne, 13 October, 1768. "They are in the greatest want of negroes and can only be supplied by our means, a very advantageous project offered by some English merchants has been lately rejected on that principle (their determined system to exclude us from all possible communication with their possessions in America)".

<sup>104</sup> S. P. Spain 178. Shelburne to Gray, 1 December, 1767. "We are well assured of a cartel for the mutual restitution of slaves between the Danish Islands and Porto Rico having been signed at Madrid in June last."



Indies would not waive this demand in the case of Britain, and secondly because the advantages would not be reciprocal.<sup>105</sup> When urged further the Spanish minister openly declared that the two cases were different. They would not "find their *convenance*" in a *cartel* with Great Britain,<sup>106</sup> whereas in an agreement with Denmark the advantage was entirely on the side of Spain, especially as a convention with such an inferior power could be easily broken.<sup>107</sup> The British secretary of state might write of "the improbability of the two courts ever coming to a right understanding while M. de Grimaldi confines his views entirely to the advantages of his master's subjects without considering the justice which is due to other nations" and that the English government "was entitled to expect Spain to agree to a fair *cartel*", but no such agreement could be secured, and throughout the interval between the two wars the constant renewal of this complaint did much to prevent the growth of cordiality between the two nations.<sup>108</sup>

When reproached by the British ambassador for pursuing an entirely selfish policy in refusing to come to some agreement in the matter of deserting slaves the Spanish minister on one occasion replied that the English were "guilty of a more unjustifiable practice in the enormous contraband they carried on in those

<sup>105</sup> S. P. Spain 179. Office of Gray, 10 March, 1768, in Gray to Shelburne, 14 March, 1768; and Gray to Shelburne, 14 March, 1768. "There was also another objection, to such an agreement—the advantage was not equal, our negroes [British] and deserters being more numerous, and for this reason he [Grimaldi] had always declined making a cartel with France for restoring deserters."

<sup>106</sup> S. P. Spain 180. Gray to Shelburne, 11 August, 1768. "The restitution of deserting slaves [Grimaldi said] was contrary to the ordonnances and usages of the Indies; that according to the law of nations and the general justice in Europe we are not founded in reclaiming them either as *Res* or *Personae* without an express stipulation. He owned he was against making a cartel as they should not find their convenance in it, our slaves being more numerous than theirs, that in all such agreements the advantages should be equal to both."

<sup>107</sup> S. P. Spain 180. Gray to Weymouth, 24 November, 1768. "I am almost ashamed to mention the reasons given for having made the Convention with Denmark, such as the advantage of the bargain being entirely on the side of Spain and that whenever it should prove otherwise they could easily break it—with such an inferior power."

<sup>108</sup> S. P. Spain 185. Weymouth to Harris, 7 September, 1770.

parts".<sup>109</sup> That this grievance, offered so often in the following years in extenuation of Spanish excesses in the New World, was not an imaginary ill but one founded on actual conditions the whole correspondence of the period bears witness. The English were, as Grimaldi accused them of being, "a very enterprising nation with extensive views of commerce",<sup>110</sup> which were utterly opposed to, and, if carried into effect, completely fatal to the monopolistic basis on which the Spanish empire rested. Spain, to be sure, was not alone in cherishing monopolistic principles for the regulation of the relations of her overseas dominions; all other colonial powers of the period had the same views. The treaty which excluded English vessels from trading in Spanish colonial harbors equally closed English ports to Spanish ships. But, while the theory was common to the whole world, nowhere was the attempt made to enforce it in so pure a form as in the Spanish dominions. In places where the pressure for a more liberal system was greatest, other nations winked at evasions of the general rule that trade should be carried on exclusively with the mother country, or availed themselves of the privilege of granting special trading concessions to other nations; but Spain, in the second half of the eighteenth century, which was not to close until another nation pursuing a more liberal policy had lost half an empire on the issue, evinced as firm a determination to pursue the old theory in undiluted form as if it were in its first youth. By 1763, the task had narrowed itself largely into a question of keeping the English out of Spanish American harbors. The government at Madrid was well aware that the difficulty of this undertaking which had been a heavy burden since the discovery of the New World would be found increased a thousandfold by conditions created by the Seven Years' War.

The basic instrument regulating Anglo-Spanish relations in the New World was the American Treaty of 1670, which had been constantly confirmed in succeeding peaces and recently renewed in the Treaty of Paris. Articles 8, 9, and 10, were its most important clauses. Article 8 declared that "subjects and

<sup>109</sup> S. P. Spain 181, Gray to Weymouth, 20 March, 1769.

<sup>110</sup> S. P. Spain 168. Rochford to Halifax, 27 October, 1764.

inhabitants, merchants, captains, masters of ships and mariners of the two kingdoms, provinces and dominions of each confederate respectively shall abstain and forbear to trade in the ports and havens which have forts, castles, magazines, or warehouses, and in all other places whatsoever possessed by the other party in the West Indies". Article 9 provided that either king might grant special trading privileges in his own dominions to the other. Article 10 read, "It is also agreed that in case the subjects and inhabitants of either of the confederates with their shipping (whether public and of war, or private and of merchants) be forced at any time, through stress of weather, pursuit of pirates and enemies, or other inconvenience whatsoever for the sake of shelter and harbour, to retreat and enter into any of the rivers, creeks, havens, roads, and ports belonging to the other in America, they shall be received and treated there with all humanity and kindness, and enjoy all friendly protection and help; and it shall be lawful for them to refresh and provide themselves, at reasonable and the usual rates with victuals and all things needful for the sustenance of their persons or reparation of their ships and conveniency of their voyage, and they shall in no manner be detained or hindered from retiring out of said ports, but shall remove and depart when and whither they please without let or hindrance". Needless to say, the Spaniards emphasized the importance of Article 8, whereas the English professed to find the true "*raison d'être*" of the treaty in Article 10. Immediately upon the conclusion of peace in 1763 each party set out to put into practice its own interpretation of national rights.

The English war vessels, whose connection with national trade interests was much more intimate in the eighteenth century than under modern conditions, were the first to experience the results of Spain's strengthened determination to exclude the English from all possible communication with her possessions in America. Sir William Burnaby in command of the Jamaica squadron reported to the admiralty in December, 1764: "At Havana they will hardly admit any of His Majesty's ships to enter, the Governor is continuously signifying his uneasiness at their remaining, that it gives offence to the court of Spain and it

is with great difficulty they suffer any of our people to land. At Cartagena and Porto Bello they meet with like difficulties.”<sup>111</sup> Detailed accounts of individual cases of severity rapidly accumulated. One of the earliest was from Captain William Locker of the *Nautilus*. Bearing despatches from the admiral at Jamaica for the viceroy of Mexico, Locker put into Vera Cruz on the twenty-second of November, 1764. At the entrance to the harbor he was met by a Spanish officer who desired him to put to sea immediately. On disregarding this order and on anchoring in the harbor he was visited by a second officer who bore a verbal message from the governor to say that the despatches which he carried were to be handed to the messenger and that he was to quit the port early the next morning; if he persisted in waiting for an answer from the viceroy the castle would have instructions to fire upon his vessel and admittance to the shore or to the ships in the harbor would be refused to any officers or men leaving the sinking vessel. The English officer returned the reply that he must have a written request from the governor for the despatches and that he would remain for the viceroy's answer unless he were furnished with a written statement of the Spanish governor's determination to fire into the king's ship. When these papers had been delivered to him and weather conditions were to his liking the captain quitted the harbor, having been in it four days.<sup>112</sup>

Though usually meeting with receptions no more cordial than that accorded the *Nautilus* at Vera Cruz, and their officers rarely allowed to land, British war vessels continued to haunt Spanish American harbors, at times on the plea of bringing despatches for the governor, at others on the excuse of pressing need for fresh provisions. At Havana it was finally decided to teach the warships a lesson and on the appearance of the *Cygnets* and the *Adventure* in June, 1767, bearing despatches from Admiral Parry, the two vessels, on the excuse that they did not cast anchor

<sup>111</sup> Admiralty Papers, I, 338. Burnaby to Stephens, 21 December, 1764.

<sup>112</sup> Admiralty Papers I, 338. Proceedings of H. M.'s frigate *Nautilus*, Captain William Locker, commander, at La Vera Cruz between the 22 and 26 November 1764. Sent to the Admiralty by Burnaby, 21 September, 1765.

when ordered to, were actually fired at from the castle. Mutual complaints on the incident to both courts resulted in little satisfaction for either party. Grimaldi, when the governor's conduct was complained of, declared that it was high time a stop should be put to this abusive practice which ignored his Catholic majesty's rigorous command that no flag but his own should be allowed to enter Spanish American ports. In his opinion contraband trade was the real object of the visiting officers who would only rejoice if their activities should embroil the two courts. In this particular case under discussion he pointed out that the calmness of weather conditions made the excuse of necessity of no weight, while the despatches must have been mere pretexts to secure entrance since governors in America could not properly demand satisfaction of one another by sending messengers. With the mutual demand that the conduct of the respective servants in America should be enquired into, the affair of the *Cygnat* and the *Adventure* sank into the past without having affected any material change in theory or practice in America.<sup>113</sup>

The British warships in entering such important Spanish colonial harbors as Havana, Vera Cruz, and Porto Bello, had important objects in view quite apart from any profit to be derived from contraband trade, the opportunity for which was extremely limited in such well administered ports, and quite outside of the pleasure derived from over-riding Spanish regulations. In the first place, they undoubtedly hoped to build up a traditional right of entrance which would ensure them not only assistance in times of real necessity but furnish a constant means of keeping in touch with news of the Spanish American world and ascertaining

<sup>113</sup> The following are the most important of the State Papers bearing on the incident:

S. P. Spain 178. Masserano to Shelburne, 19 September, 1767.

*Ibid.* Shelburne to Masserano, 26 Sept., 1767.

*Ibid.* Shelburne to Gray, with enclosures, 16 Sept., 1767.

*Ibid.* Gray to Shelburne, with enclosures, 7 Nov., 1767.

*Ibid.* Grimaldi to Gray, 5 Nov., 1767.

*Ibid.* Shelburne to Gray, secret and special, 4 Dec., 1767.

S. P. Spain 179. Admiralty to Shelburne, with enclosures, 28 April, 1768.

the strength and location of Spanish American forces.<sup>114</sup> Secondly, they wished to keep visibly before the Spanish mind the neighboring presence of a British force whose business it was to watch over all the interests of British subjects in that part of the world. It was thought that the Spanish governors were more likely to maintain proper relations with their neighbors if held immediately responsible for their actions than if they had only to fear the consequences of complaints made by the long roundabout diplomatic path. The despatches carried to Spanish American harbors by British warships had a more serious mission to perform than merely to furnish, as Grimaldi suggested, an excuse for the vessels to enter forbidden ports.

The great volume of the contraband trade was carried on in places less important than the great harbors in which the warships had their most exciting experiences and in general followed devious and indirect paths. Aware of the existence of this trade, the Spanish government could only occasionally secure sufficiently clear evidence of it to compel the attention of the British ministry. There was one of these rare occurrences in 1769. In December of that year, to the great embarrassment of Lord Weymouth, the Spanish Ambassador produced a pass<sup>115</sup> signed by Governor

<sup>114</sup> Ad. I 238. Sir William Burnaby to Mr. Stephens, 21 December, 1764. "I have received by H. M.'s sloop 'Wolf' your letter of the twenty-ninth September, signifying their Lordships' directions that I should inform myself in the best manner I shall be able of the present state of the dominions belonging to the French and Spanish in the neighborhood of my command with respect to sea and land forces there, the state of their fortifications, etc. In answer to which I beg you to inform their Lordships that I give it in orders to the captains of H. M.'s ships and vessels which I send to the ports of either of those powers or to cruise on their coasts; to make a diligent enquiry into most of the particulars mentioned in your said letter so far as may be practicable, taking care not to give offense to the Government of the Place where they happen to be. . . ."

<sup>115</sup> S. P. Spain 182. Weymouth to Hillsborough, 7 December, 1769. Melville's pass reads:

Seal of Grenada "By His Excellency Robert Melville, Esq., Captain General and Governor in chief in and over the Southern Caribbee Islands of Grenada, The Grenadines, Domencia, St. Vincent and Tobago in America, and all other islands adjacent there unto, which are now or heretofore have been dependent thereupon, Chancellor, Ordinary and Vice-Admiral of the same, and Major General of H. M.'s forces in the West Indies. . . ."

Melville of Grenada for a certain English trading sloop to sail for the Spanish Main, and at the same time handed him two custom house certificates<sup>116</sup> signed by other officials of the same island, one of which specified the cargo of the sloop in question and the other related to a schooner bound for the same unlawful goal. In reply to the urgent appeal of the secretary of state for some suggestion as to what he thought "might soften this matter", the Earl of Hillsborough could only offer the lame excuse that these certificates were merely formal permissions from the governor to sail out of the bay and were not meant to carry any authority in Spanish territory. They were signed in bulk

Permission is hereby granted unto Antony de Castro, Master or Commander of the sloop 'Speedwell', burthen fifty-four tons, or thereabouts, mounted with six guns, navigated with sixteen men, plantation built, and duly qualified to sail for the Spanish Main, he having entered and cleared his said vessel at the naval office, and all other H. M.'s officers in this place according to law, and for whom this shall be a sufficient Let-pass.

Given under my hand and seal of arms at St. George's this 29th day of August, 1769, and the seventh year of His Majesty's reign.

Robert Melville.

Passed the naval office.

App'd for Ch. Wilson

D. N. Officer.

By His Excellency's Command.

A. Symson".

<sup>116</sup> S. P. Spain 182. Weymouth to Hillsborough, enclosure, 7 December, 1769.

"These are to certify all whom it doth concern that Francis, able master and commander of the schooner 'Resolution', burthen 70 tons or thereabouts, mounted with 10 guns. navigated with 12 men, . . . and bound for the Spanish Main hath here entered and cleared his said vessel, according to law, having on board 20 bales of dry goods, one saddle, and 3 new negroes. . . . "

*Ibid.* Enclosure.

"These are to certify to all whom it doth concern that Antony de Castro, master and commander of the sloop 'Speedwell', burthen 50 tons, . . . bound for the Spanish Main hath here loaded and taken on board 15 new negroes, 1 trunk of dry goods, and 4 iron boilers, . . . and hath here given bond. . . . "

Seal of Grenada

Given under our hands and seal of office of the custom house, the twenty-ninth of August, 1767."

and filled in later.<sup>117</sup> From this correspondence it appeared that Governor Melville had found the practice of issuing the certificates established in Grenada on his arrival in 1764, and as it agreed with that pursued in Antigua and the Leeward Islands, had continued it.<sup>118</sup> The colonial secretary expressed the hope that "it would not be necessary to bring into further question the state of a commerce of the greatest importance to this kingdom, which has been ever since the date of the American Treaty carried on from Jamaica to Spanish ports in America by vessels clearing out of ports of that island with certificates of like nature."<sup>119</sup>

The character of the assistance given at times by the warships to illicit trade is made clear in a letter written in July, 1770, by the senior officer of his majesty's ship at Jamaica to the secretary of the admiralty. He reported that certain Messieurs Peter and Espret Barral and Co., whose house had charge of all the bullion imported into Jamaica, had represented "the favorable opportunity to open a communication with the rich province of Guatemala and this island" from which Great Britain would reap such great advantages "upon as firm a footing as the difficulties attending this sort of intercourse with the Spanish will admit of". The merchants were asking to have a sloop "stationed off the River Maltena or Salt Creek while one of the house went there to fix this valuable branch of commerce".

<sup>117</sup> S. P. Spain 183. Hillsborough to Weymouth, 16 March, 1770, enclosing a letter from Melville to Hillsborough, 12 February, 1770. ". . . . that being accounted mere papers of course, and of no other intent of use than to signify the governor's permission for sailing out of the bay or harbour . . . and only necessary to be produced in English settlements, these set papers printed and with requisite blanks were from time to time laid before me as Governor by my public secretary in order to be signed (and, for the sake of despatch usually not fewer than two or three dozens together) after which they were carried away and lodged at his office ready to be delivered out to the masters of ships who should apply for them."

<sup>118</sup> S. P. Spain 183. Governor Melville to Hillsborough, 12 February, 1770. ". . . . From my arrival at Grenada in December 1764 and during my usual residence there till July 1768 the practice which had been established before my arrival and agreeable (as I was informed) to that in Antigua and the Leeward Islands for the signing and delivering out of these set passes, was always as follows: . . . ."

<sup>119</sup> S. P. Spain 185. Captain Tonyn to Mr. Stephens, 30 July, 1770, enclosed by Hillsborough to Weymouth, 28 September, 1770.



When it came to the ears of Lord Weymouth that "Captain Jackson had sailed in the *Druid* upon that service" he wrote to Hillsborough that he "must give it as his opinion that such a step is contrary to the treaty and therefore highly improper".<sup>120</sup> Here, as elsewhere, the English government refused to recognize openly the claims of illicit trade, preferring to leave its encouragement in the safe hands of all classes of its servants in the New World, whose actions could be disavowed and the official representatives of the nation left free to assure the Spanish government that his majesty's government had no part in the contraband trade and that it fully recognized Spain's right to use every means at its command to end it.

Spain, however, possessed, as the British government fully realized, utterly inadequate forces to compel respect for the system of exclusiveness that she wished to prevail throughout her enormously overgrown American dominions. One avenue open for the expression of her discontent with the situation she made full use of. Individuals who fell into her power in Spanish America who could be remotely suspected of being connected with the illicit traffic or punished before the world as offenders against the contraband law were treated with a cruelty that shocked the feelings even of eighteenth-century witnesses. Nothing so much distressed the English ambassadors in Spain as the hardships suffered by fellow countrymen through the failure of treaty stipulations to provide protection to British subjects who found themselves made prisoners in the New World.<sup>121</sup> Mere presence in the territory of Spain in America was as a rule taken as conclusive proof that the individuals so found were engaged in contraband trade. The result, in an age when all vessels were sailing ships exposed to dangers of navigation now happily past, was that numerous English sailors whose only offense was their misfortune in being wrecked on Spanish American shores, found themselves undergoing punishment designed for the class of

<sup>120</sup> S. P. Spain 185. Weymouth to Hillsborough, 1 October, 1770.

<sup>121</sup> S. P. Spain 183. Harris to Weymouth, 5 April, 1770. "I should be happy to receive any instructions from your Lordship to get these men enlarged and at the same time put an effectual stop to that inhuman and unlawful practice of confining British sailors in their gaols."

criminals for whom the Spanish had the least mercy.<sup>122</sup> For true offenders against the contraband laws in America, international treaties did not give the same protection as was afforded to the same class of British lawbreakers in Europe. In Old Spain, according to treaty, British subjects taken in contraband, might suffer the confiscation of their vessels and cargo, but the persons of the master and crew, many of whom had probably little to do in determining the object of the voyage, could not be imprisoned. As the treaties relating to America were silent on this point, the Spanish government took the view that "accused smugglers were subject to the law of Spain".<sup>123</sup>

In practice the custom was for captured British subjects to be in the first instance thrown into the colonial jails. Later, on a favorable opportunity, which usually did not occur until after months of the most rigorous confinement, during which bread and raiment could only be secured from charitable persons, those who had not attempted to escape or otherwise offended the colonial powers were sent in irons on Spanish vessels to Old Spain.<sup>124</sup> On

<sup>122</sup> S. P. Spain 184. Harris to Weymouth, 9 July, 1770. General O'Reilly told Harris, the British chargé d'affaires, that the British prisoners in the vessels in which he had crossed from Havana to Spain "deserved compassion rather than imprisonment" yet these on their arrival were sent to jail.

<sup>123</sup> S. P. Spain 171. Rochford to Halifax, 1 July, 1765. "During my absence Mr. De Visme had applied for the release of ten English sailors who are prisoners in chains at Cadiz; they were taken in the Spanish West Indies carrying on a contraband trade, and I learned that M. Grimaldi had refused getting them released insisting that taken as smugglers they were subject to the laws of Spain. I must beg leave to observe that by Treaty the King's subjects detected in carrying on a contraband trade here in Old Spain are to be released though the ship and cargo are to be confiscated, but the treaties that relate to America are silent with regard to this point. What I thought I had a fair right to insist upon was, that at least since they were brought into Europe, there was no pretence for detaining them here".

Cf. S. P. Spain 179, office of Gray to Grimaldi, 30 December, 1767; *Ibid.* Gray to Shelburne, 7 January, 1768.

<sup>124</sup> S. P. Spain 184. Office of Harris to Grimaldi, 15 July, 1770; *Ibid.*, 183, Spry to the Admiralty, 13 March, 1770; *Ibid.*, 166, Rochford to Halifax, 3 April, 1764. If prisoners managed to make their escape to a British vessel of war they were afforded protection and occasionally incoming vessels which were thought to have British prisoners on board were stopped by British men of war and searched and any prisoners not thought to be felons were forcibly removed. Cf. Letters relating to the protection afforded to three British prisoners taken by

their arrival they were either confined in the jail at Cadiz, to await the final decision of the council of the Indies on their case, or were placed on vessels in the harbors and worked as slaves. *Autos* setting forth the nature of their crimes were supposed to be sent with them from America, but were frequently not transmitted until months had passed.

On information of the arrival of new British prisoners from America, the British ambassador at Madrid always solicited their immediate release. He based his request on the principle that the king's subjects could not be imprisoned in Europe for a crime which bore that penalty only in America. After further months of delay, frequently on the excuse that the *autos* were not yet received and so it was uncertain for what crime the prisoners were retained, as a favor from the Spanish to the British crown, the English subjects were finally released, although in some instances liberty was not secured until the victims had added to their colonial and Cadiz experiences a further ordeal at Ceuta where they were loaded with irons and worked as slaves.<sup>125</sup>

Captain Hollwell of the British ship *Glory* from the Spanish trading vessel *Vigilantia* off Cape Vincent, in January, 1770. S. P. Spain 183. Hollwell to the admiralty office, 8 April, 1770, enclosed by the admiralty to Weymouth, the 11 April, 1770. "I did meet with the Spanish ship *Vigilantia* on the fourth of January last, and, when my lieutenant went on board her, three English distressed seamen came to him and asked my protection, telling him they were unfortunate men that had been cast away in the Bay of Campeacha, had fallen into the Spaniards' hands, were marched to La Vera Cruz, from thence sent to Havana, where they were imprisoned without receiving any subsistence but from the charity of negroes, and sent from thence when they were in want of seamen on board the *Vigilantia* to navigate her to Europe. Agreeable to my instructions I demanded these men. . . . "

<sup>125</sup> S. P. Spain 184. Office of Harris to Grimaldi, 15 July, 1770, enclosed by Harris to Weymouth, 19 July, 1770.

"Les plaintes que je reçoive de Cadiz par rapport aux sujets du Roy, mon Maître, qui se trouvent dans les prisons publiques de cette ville sont si fréquentes et si bien fondées que je ne puis pas m'empêcher d'importuner Votre Excellence à cet égard. Avant d'entrer dans le détail du cas de ces malheureux qui m'engagent actuellement à m'adresser à Votre Excellence il ne sera pas hors de propos d'observer en général sur l'injustice de cette manière de procéder, également contraire à l'humanité et aux conventions puisque les traités n'autorisent pas la punition de nos sujets en Europe qui se sont rendus coupables en Amérique, et l'humanité puisque en général ils subissent des supplices fort au-dessus de leur crimes, c'est de quoi le malheureux Guillaume Reid avec ces trois matelots tous

Repeated remonstrances failed to effect any improvement. To the ambassador's insistence that crimes committed in America should be punished in America it was replied that the system in operation was more merciful; that the laws of the Indies were so severe in punishing contraband it was not thought proper to entrust the execution of them to the governors, the offenders were better off in Europe. To which reasoning Sir James Gray on one occasion returned the reply that "whatever the motive . . . the filling of prisons at Cadiz with British subjects had an odious appearance".<sup>126</sup> Mr. Harris wrote two years later that he could never get the imprisoned British sailors quite cleared. "They seem to wish," he remarked, "always to have one or two."<sup>127</sup> When six months later he was able to write that none were in confinement he felt that he had achieved a triumph as this "circumstance had not happened for several years".<sup>128</sup>

Throughout the period surveyed in this chapter, Spain, in

fournissent un exemple frappant, car après qu'ils eussent souffert un traitement le plus cruel à Cartagène en Amérique, on les transporta à Cadix où ayant resté plus d'une année dans un cachot ils furent envoyés à Ceuta où à présent ils se trouvent chargés des fers."

In enclosing a copy of his office to Weymouth, 19 July, 1770, Harris wrote, ". . . the poor wretches who gave rise to this last complaint were brought from the Havana on board the 'Pallas' frigate and it does not appear that they have been guilty of any crime; General O'Reilly who came over in the same sloop told me they deserved compassion rather than punishment, yet so strange and dilatory are the tribunals under the foundations of the Council of the Indies that they were immediately on their arrival sent to prison unheard and unquestioned."

<sup>126</sup> S. P. Spain 179. Gray to Shelburne, 12 May, 1768. Cf. S. P. Spain 179, office of Gray to Grimaldi, 30 December, 1767. "Je ne saurais me contenter de la raison alléguée pour continuer à déténir ces malheureux, ignorant par quelle autorité le Conseil des Indes peut s'arroger le droit d'emprisonner en Europe les sujets du Roy mon Maître . . . dont le seul crime est d'avoir eu le malheur d'être arrêtés injustement par les pirates en Amérique, et avoir perdu leurs navires et effets. . . ."

Cf. also S. P. Spain 179, Gray to Shelburne, 7 January, 1768. "I found it necessary . . . to take exception to the imprisonment of the King's subjects in Europe for supposed offenses done in America, where alone they ought to be punished for any crimes they may have committed; and it is upon this principle that His Majesty's ministers have always demanded their enlargement."

<sup>127</sup> S. P. Spain 183. Harris to Weymouth, 5 April, 1770.

<sup>128</sup> S. P. Spain 185. Harris to Weymouth, 30 August, 1770.

her relations with England in America, stood everywhere on the defensive. In Central and North America, where continental boundaries were contiguous as in the cases of Mosquitia, Honduras Bay, and West Florida, as well as in the West Indies and on the seas, Spain endeavored to enforce, through the action of energetic, colonial governors, the narrowest construction of the terms of the treaties subsisting between the two Powers. In her anxiety to prohibit as far as possible all intercourse between the subjects of the two nations in America and to secure definite understandings and indisputable limits beyond which there could be no question of the English going, Spain was throughout the period willing to make considerable sacrifices of territory. The English, on the other hand, repeatedly refused to consider the replacement of the vague statements of treaties, which had proved themselves to be so well adapted to the process of peaceful encroachment, by new regulations, however advantageous on the surface these might appear to be. Rather than revise the old loosely-worded American Treaty or remake the vague phrases of the Treaty of Paris, England preferred to bear such measures of revenge as Spain could devise in the matters of the severe punishment of her subjects captured in the contraband trade and the continuous loss of slaves from her colonial possessions.